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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,472	03/24/2004	Osamu Nakamura	740756-2722	2927
22204	7590	05/26/2009		
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER DHINGRA, RAKESH KUMAR	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 05/26/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,472

Applicant(s)

NAKAMURA, OSAMU

Examiner

RAKESH K. DHINGRA

Art Unit

1792

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 10-31, 33-38 and 40-56 is/are pending in the application.
- 4a) Of the above claim(s) 24-31, 33-38, 40-44, 48-50 and 54-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-23, 45-47 and 51-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/14/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/9/09 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection as explained hereunder.

Applicant has amended claims 1-3 by adding new limitations "only" and "selected".

Claims 1-4, 10-31, 33-38 and 40-56 are now pending out of which claims 1-4, 10-23, 45-47 and 51-53 are active.

References by Satoshi (JP 2003-059909) when combined with Gianchandani et al reads on limitations of amended claim 1. Accordingly claims 1, 10, 13, 16, 19, 22, 45 and 51 have been rejected under 35 USC 103 (a) as explained below. Balance claims 2, 3, 11, 12, 14, 15, 17, 18, 20, 21, 23, 46, 47, 52, 53 have also been rejected under 35 USC 103 (a) as explained below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10, 13, 16, 19, 22, 45 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gianchandani et al (WO 01/27969, which is equivalent to US 6,827,870, and referred to hereinafter) in view of Satoshi (JP 2003-059909).

Regarding Claim 1: Gianchandani et al teach a plasma apparatus comprising:

a plasma generation unit comprising a substrate 17 (as a first electrode) and a plurality of electrode elements 51, 52 opposed to the first electrode 17; and

a gas supply unit 13 for blowing (introducing) a process gas into a space between the first electrode 17 and the plurality of second electrodes 51, 52 such that a plurality of micro plasma with independent control can be generated {the plasma is generated between the electrode segments and the substrate 17 due to dissociation of gas blown in these openings and by the voltage applied from a power supply}. Gianchandani et al also teach that ingress of gas in the openings 24 (space between first and second electrodes 26, 17) can be obtained through laterally extending micro-channels (not shown) in the dielectric layer 22 [that is gas is blown in a space between the first electrode and the plurality of second electrodes]; and.

a power supply unit 31 for applying a voltage independently (selectively) to at least one electrode among the plurality of second electrodes 51 and 52, wherein the plurality of second electrodes 51, 52 of the plasma generation unit are arranged linearly in one line (for example, Fig. 1-3 and col. 2, lines 40-65 and col. 5, line 25 to col. 7, line 35).

Gianchandani et al does not teach the electrical unit is adapted to selectively apply a voltage to only at least one selected electrode among the plurality of second electrodes and wherein the first and plurality of second electrodes are arranged perpendicular to a substrate.

Satoshi teach a plasma treatment apparatus comprising:

a plasma generation unit comprising a first electrode 4 and a plurality of second electrodes 2, 3 opposed to the first electrode 4;

a gas supply unit adapted to blow a process gas into a space between the first electrode 4 and the plurality of second electrodes 2, 3; and

a unit comprising a power supply 1 and switches 5, 6 adapted to selectively apply a voltage to at least one selected electrode among the plurality of second electrodes 2, 3,

wherein the plurality of second electrodes 2, 3 are arranged linearly in one line, and the first and second electrodes 2, 3 are arranged perpendicular to the substrate 10 (the vertical axes of the electrodes 2,3 and 4 are perpendicular to the substrate 10 – examiner notes that claim does not recite any specific shape of the electrodes, nor specifies any of electrodes which is perpendicular to the substrate) {e.g. Fig. 2 and para. 0015, 0016}[claim limitation “selectively apply a voltage to only at least one selected electrode among the plurality of second electrodes”, is interpreted to imply that a voltage is applied to only one selected electrode among the plurality of second electrodes, since “only one selected electrode” and “only at least one selected electrode” appear to be contradict when “at least one” includes more than one electrode”.

Applicant is invited to clarify/amend the claim. Further, claim limitation “perpendicular to a subject substrate” is interpreted to imply as “perpendicular to a plane in which the substrate is disposed”, since claim limitation relating to the article being worked upon may not add significantly to the claim patentability].

Therefore it would have been obvious to one of ordinary skills in the art at the time of the invention to provide an electrical unit that is adapted to selectively apply a voltage to only one selected electrode among the plurality of second electrodes as taught by Satoh in the apparatus of Gianchandani et al to provide flexibility for controlling plasma processing over the substrate surface.

Regarding Claim 10: Gianchandani et al teach that plurality of second electrodes are formed using lithography techniques (Fig. 5 and col. 10, lines 15-25).

Regarding Claim 13: Gianchandani et al teach first electrode 17 and plurality of second electrodes 51, 52 are covered with dielectric 22 (Fig. 1).

Regarding Claim 16: Gianchandani et al teach the apparatus is used for etching or deposition (col. 2, lines 50-60).

Regarding Claim 19: Gianchandani et al teach all limitations of the claim including moving of holder 54 for relative motion between substrate 17 (stage) and the at least one electrode 51, 52 and synchronizing the movement with application of voltage to at least on electrode (can be pre-determined electrode since voltage can be supplied independently to various electrodes) [col. 2, line 40 to col. 3, line 20 and col. 6, line 60 to col. 7, line 35].

Regarding Claim 22: Gianchandani et al teach that typical operating pressure can range from 1-1000 torr (as against claimed pressure of 1 atm = 760 torr). It would be obvious to select operating pressure as other process limitations like gases, material to be etched /deposited and voltages etc (col. 8, lines 5-15).

Regarding Claim 45: Satoshi teaches the blown process gas acts on the substrate 10 (Fig. 2).

Regarding Claim 51: Gianchandani et al in view of Satoshi teach all limitations of the claim including movable electrodes 51, 52 (through stage 56) that enable moving the electrodes with respect to substrate to provide selective plasma processing on the substrate surface (Gianchandani et al – Fig. 3). Though Gianchandani et al do not explicitly teach movement in both X-Y directions it would be obvious to do the same in view of teaching of Gianchandani et al to obtain selective processing of substrate at any location on the substrate.

Claims 2, 3, 11, 12, 14, 15, 17, 18, 20, 21, 23, 46, 47, 52, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gianchandani et al (WO 01/27969, which is equivalent to US 6,827,870, and referred to hereinafter), Satoshi (JP 2003-059909) in view of Satoshi (JP 2003-059909) and Morfill et al (US 6,777,880).

Regarding Claims 2, 3: Gianchandani et al in view of Satoshi teach all limitations of the claim including the first and the plurality of second electrodes arranged perpendicular to a substrate (as explained above under claim 1). Gianchandani et al in view of Satoshi further teach that size and spacing of electrodes may be selected as per type of treatment required like anisotropic etch or isotropic etch etc (Gianchandani et al – Fig. 8 and col. 7, lines 15-30 and col. 12, lines 5-30), but do not explicitly teach specific size of second electrode.

Morfill et al teach a plasma apparatus (Figures 1-6) comprising a segment electrode 11 with electrode segments 113 and a second electrode 112. Morfill et al further teach grid size of segmented electrode to be 1.27mm (as against claim size of 1 mm). Morfill et al also teach that size and spacing of electrode segments is application dependent (col. 9, lines 10-68).

It would have been obvious to one of ordinary skill in the art at the time of the invention to select size of second electrodes as taught by Morfill et al in the apparatus of Gianchandani et al in view of Satoshi as per type of process treatment required.

Regarding Claim 4: Gianchandani et al in view of Satoshi teach all limitations of the claim except pattern is a wiring pattern, which is an intended use. Since the prior art apparatus meets all structural limitations of the claim, the apparatus is considered capable of meeting this intended use limitation.

In this connection courts have ruled:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

Regarding Claims 11, 12: Gianchandani et al teach plurality of second electrodes are formed using lithography techniques (Fig. 5 and col. 10, lines 15-25).

Regarding Claims 14, 15: Gianchandani et al teach first electrode 17 and plurality of second electrodes 51, 52 covered with dielectric 22 (Fig. 1).

Regarding Claim 17: Gianchandani et al teach the apparatus is used for etching or deposition (col. 2, lines 50-60).

Regarding Claims 18, 23: Gianchandani et al teach that typical operating pressure can range from 1-1000 torr (as against claimed pressure of 1 atm = 760 torr). It would be obvious to select operating pressure as other process limitations like gases, material to be etched /deposited and voltages etc (col. 8, lines 5-15).

Regarding Claims 20, 21: Gianchandani et al teach all limitations of the claim including moving of holder 54 for relative motion between substrate 17 (stage) and the at least one

electrode 51, 52 and synchronizing the movement with application of voltage to at least on electrode [col. 2, line 40 to col. 3, line 20 and col. 6, line 60 to col. 7, line 35].

Regarding Claims 46, 47: Satoshi teach the blown process gas acts on the substrate 10 (Fig. 2).

Regarding Claims 52, 53: Gianchandani et al in view of Satoshi teach all limitations of the claim including movable electrodes 51, 52 (through stage 56) that enable moving the electrodes with respect to substrate to provide selective plasma processing on the substrate surface (Gianchandani et al – Fig. 3). Though Gianchandani et al do not explicitly teach movement in both X-Y direction it would be obvious to do the same in view of teaching of Gianchandani et al to obtain selective processing at any location on the substrate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAKESH K. DHINGRA whose telephone number is (571)272-5959. The examiner can normally be reached on 8:30 -6:00 (Monday - Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571)-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rakesh K Dhingra/
Examiner, Art Unit 1792

/Karla Moore/
Primary Examiner, Art Unit 1792